UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,232	12/31/2001	William G. Reeves	11710-0320 (44043-263105)	7301

23556 7590 03/11/2005

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER	
SALVATORE, LYNDA	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	10/039,232	REEVES ET AL.	
	Examiner	Art Unit	
	Lynda M Salvatore	1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: *28*.

Claim(s) rejected: *1-27 and 29-45*.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

GB

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant asserts that it would be improper to combine US '335 with US '149 on the grounds that US '149 teaches high strength cellulose fibers or films formed by dissolving in an aqueous solution of zinc chloride to form a cellulose/zinc chloride mixture, exposing/rinsing the mixture with a solvent (ethanol, methanol, isopropanol, etc.) and then with water to remove the cellulose from solution. In response, the Examiner maintatins that US '335 reference was relied upon to evidence coating cellulose film onto non-woven substrates is known in the art. US '335 teaches that said coating may be applied by a variety of methods and further incorporates US '149 to teach a film forming method which does employ the claimed method steps of dissolving the cellulose in an aqueous solution of zinc chloride, exposing/rinsing the mixture with a solvent and then with water to remove the cellulose from solution. Thus, the Examiner maintains that sufficient motivation exists to combine references since US '335 expressly indicates that the method taught in US '149 can be used to form cellulose film. Therefore, it would have been obvious to one of ordinary skill in the art to use the cellulose film forming method of US '149 to form cellulose film in US '335 with the expectation of providing the desired cellulose formation on the substrate.

Applicant also argues that US '335 and US '149 are not combinable on the grounds that US '335 teaches a cellulose coating having a DP of at least 350, which is obtained by using solvent solution and subsequent removal of the solvent. Applciant further argues that US '335 teaches for regenerated cellulose, the viscose coated substrate is subsequently treated by both steps of coagulation and regeneration.Thus forming a cellulose article separated from the zinc chloride and solution. Applicant argues that US '149 does not teach avoiding subsequent coagulation and solvent removal steps and that US '149 teaches using low DP cellulose rather than the high DP cellulose taught by US .335. In response, it is the position of the Examiner that Applciant's arguments are not commensurate in scope with what is instantly claimed. With regard to the difference in using low DP versus high DP cellulose, the Examiner respectfully points out Appliant is not claiming a cellulose having any DP range, however, it should be noted that US '149 does in fact teach employing cellulose having a DP range from 100 to 3000 (US .'149, Column 4, 11). Thus, the broad range of US '149 would include the DP range taught by the primary reference of US '335. With regard to the lack of suggestion to avoid the coagulation and solvent removal steps for regnerated cellulose, the Examiner respectfully points out that Applicant is not claiming a regenerated cellulose substrate such as viscose. Moreover, the Examiner maintains that Applicant's open claim language of comprising recited in claim 1 does not preclude a solvent step.

Applicant also argues that the the solvent removal wash of a coagulated cellulose is not equivalent to the regneration by water rinse as instantly claimed. This is not found persuasive since it appears to be only Applicant's opinion rather than an argument supported by factual objective evidence. As such, since US '149 does include the claimed water rinsing step, the Examiner fails to see a difference between the claimed cellulose coating and the cellulose film formcd by the process of US '149.

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700